

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>PERNELL JOHNSON,</b>	:	<b>CIVIL ACTION NO. 1:08-CV-1063</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>WARDEN DOMINICK DEROSE, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

\_\_\_\_\_AND NOW, this 22<sup>nd</sup> day of August, 2008, upon consideration of plaintiff's motion for leave to file an amended complaint (Doc. 15, 17), and it appearing that defense counsel concurs in that motion (Doc. 15-2), it is hereby ORDERED that:

1. The motion to amend (Doc. 15, 17) is GRANTED.
2. Within twenty days of the date of this order, plaintiff shall file an amended complaint, which shall carry the same civil docket number presently assigned to this matter.
3. The amended complaint shall be a short, plain, and concise statement of the claim and shall be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed. FED. R. CIV. P. 8(e)(1).
4. Defendants' motion to dismiss (Doc. 13) is DENIED without prejudice.
5. Plaintiff's motion for an enlargement of time (Doc. 16) to respond to defendants' motion to dismiss is DENIED as moot.
6. Failure to file the amended complaint in the allotted time period will result in the matter proceeding on the original complaint and reinstatement of defendants' motion to dismiss.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge